REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 2 and 3 are only objected to as being dependent from a rejected claim. Claims 1-7 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

The telephonic interview of September 15, 2003, between the undersigned and Examiners Nichols and Kemmerer is gratefully acknowledged. While no ultimate decision on patentability was agreed upon, a proposed amendment to claim 1 to clarify "functional derivative" was discussed. What was discussed in the telephonic interview is included in the amendment to claim 1 and the arguments presented herein.

Claims 1 and 4-7 have been rejected under 35 U.S.C. §112, first paragraph, because the examiner states that the specification, while being enabling for SEQ ID NO:2 and SEQ ID NO:4 and fusion polypeptides comprising same, does not reasonably provide enablement for fragments, functional derivatives, or salts thereof. The same claims are further rejected under §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s),

at the time the application was filed, had possession of the claimed invention. These rejections are respectfully traversed.

The present specification at pages 21 to 24 discloses what is meant by "functional derivatives" and provides non-limiting examples. Page 24, paragraph [0055] specifically teaches that such "derivatives" are intended to include only those derivatives that do not change one amino acid to another of the twenty commonly-occurring natural amino acids. Accordingly, the present claims do not cover variants in which amino acid residues are substituted with different residues from among the twenty commonly-occurring natural amino acid residues. Claim 1 is amended to make clear that the recited "functional derivative" is a chemical derivative that is derivatized at functional groups which occur as side chains on amino acid residues or as N- or C-terminal groups. As presently claimed, the instant invention is enabled and adequately described to one of skill in the art.

Reconsideration and withdrawal of the §112, first paragraph, rejections are therefore respectfully requested.

Claims 1 and 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by Nagase et al. and claims 1, 4, and 6 have been rejected under 35 U.S.C. §102(e) as being anticipated by WO 02/20786.

It is understood from the telephonic interview of September 15, 2003, that the prior art anticipation rejections

over Nagase and WO 02/2026 were made because the recited "functional derivative" was interpreted to include variants with amino acid substitutions. However, as it is now clear that the presently claimed invention does not include such variants, both anticipation rejections over Nagase and WO 02/20786 are now believed to be obviated.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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